

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8819 of 2021**

- Manju Rathour Alias Purushottam, S/o Ram Singh, aged about 34 Years, R/o Village Ranijhap, P.S. Gourella, District - Gourella-Pendra-Marwahi (C.G.).

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Gourella, District - Gourella-Pendra-Marwahi (C.G.).

----Non-applicant

For Applicant	Shri Ashok Soni, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/12/2021

1. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 03.08.2021 passed in MCRC No. 4841 of 2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.174/2021 registered at Police Station Gourella, District Gourella-Pendra- Marwahi, Chhattisgarh, for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.
3. As per the prosecution story, on 14.05.2021, complainant along with his family went to Bilaspur for treatment of his wife and when he returned on 19.05.2021 at 10:30 hrs, he found that lock of door of his house was broken, one Honda Shine motorcycle bearing registration

No.CG10-AA-4775, Honda Aviator bearing registration No.CG10-AG-5298, cash amount of Rs.30,000/- and 70 kg rice were stolen. Then, he informed the police about the incident, on the basis of which offence was registered against the unknown persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him, applicant is in jail since 21.05.2021, charge sheet has already been filed, conclusion of trial is likely to take some time and that co-accused person namely- Shiv Kumar in this case has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 22.10.2021 in MCRC No.6601 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 34 years old, charge sheet has been filed, the fact that the co-accused person in this case has already been granted regular bail by the Co-ordinate Bench of this Court, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion

on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh